

**Department of Homeland Security  
Federal Emergency Management Agency (DHS)  
Metropolitan Medical Response Systems Agreement Articles**

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**PROGRAM NAME: METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM**

**CFDA: 97.\* (In process)**

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**GRANTEE:**

**AGREEMENT NO.:** EMW-2004-

**AMENDMENT NO.:** Initial Award

**ARTICLE I – AUTHORIZATION:**

- A. Homeland Security Act of 2002, Public Law 107-296
- B. Defense Against Weapons of Mass Destruction Act of 1966
- C. National Defense Authorization Act for FY 1997, as amended

**ARTICLE II – PROGRAM NARRATIVE DESCRIPTION**

The Grantee shall perform the work described in the Program Narrative Statement, which is included as part of the application package dated \_\_\_\_\_.

**ARTICLE III – PERIOD OF PERFORMANCE/BUDGET PERIOD**

- A. **Project Period:** The Project Period shall be a maximum of twelve (12) months s from the effective date of this Grant Agreement, and will correspond to the applicable approved Budget Period unless extensions have been approved.
- B. **Costs:** The Grantee shall only incur costs or obligate funds within the Budget Period for approved activities or within the approved Period of Performance if continuation award has been authorized. All additional funding under this Cooperative Agreement is subject to the availability of funds and the needs of the Federal Government.

**ARTICLE IV – AMOUNT OF AWARD**

- A. **Approved Budget:** The approved budget for year one of this award by category is:

<b>OBJECT CLASS</b>	<b>TOTAL</b>
Personnel	
Fringe Benefits	
Travel	
Equipment	
Supplies	
Contractual	
Construction	
Other	
TOTAL DIRECT	
Indirect Charges	
TOTAL BUDGET	
FEDERAL SHARE	

- B. There is no cost-share or match required for this funding. The Department of Homeland Security will pay up to 100% of the costs identified in the approved budget listed under Article IV. A. Approved Budget. The maximum funding amount is \$\_\_\_\_\_. If costs exceed the maximum amount of DHS approved funding, the Grantee shall pay the costs in excess of the approved budget .

**ARTICLE V – RESPONSIBILITIES**

- A. The purpose of the FY 2004 MMRS Grant is to provide funding for:
1. the creation of new MMRS jurisdictions in those states and territories that do not have a MMRS;
  2. obtaining FY 2004 capability objectives and or processes;
  3. sustainment for existing jurisdictions; and
  4. special projects, as applicable.
- B. Objectives:
1. Preparedness to manage the medical, public health, population protection and environmental health impacts of a radiological release/nuclear detonation by terrorists.

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2. Compliance with the National Incident Management System (NIMS), as a condition of the grant award. Preparation of MMRS operational planning materials.
3. Readiness to establish and enforce quarantine/isolation for a very large number of persons and sizeable geographic areas.

### **ARTICLE VI – REQUEST FOR REIMBURSEMENT**

- A. FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to Grantees. To enroll in the DD/EFT, the Recipient must complete a Standard Form 1199A, Direct Deposit Form.
  1. The Grantee may be paid in advance, or reimbursed by completing the Standard Form (SF) 270, Request for Advance/Reimbursement. In accordance with Treasury regulations at 31 CFR Part 205, the Grantee shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds. (See 44 CFR Part 13.21(i) regarding payment of interest earned on advances.
  2. The Grantee may use the Internet at [www.FEMA.gov/priv/carol.htm](http://www.FEMA.gov/priv/carol.htm) to download the Standard forms 1199A and 270.
- B. To request reimbursement, the Grantee shall submit Standard Form (SF) 270. Each voucher shall show the Grant agreement number, cost for billing period, and costs to date. The Grantee may submit requests for payments up to the amount of the estimated cost shown in Article IV. Payment requests which exceed the estimated cost will not authorized.
- C. Each request for payment shall show the Agreement Number and the cumulative costs to date. The Grantee shall submit an original and on copy of the request for payment to:

DHS/FEMA  
FEMA Regional Office

\_\_\_\_\_  
Attn: Assistance Officer

## ARTICLE VII – FINANCIAL REPORTS

- A. **Annual Report:** The Financial Status Report is due 90 days from the expiration date of the Period of Performance.
- B. **Final Payment/Unexpended Funds:** Within 90 days from the expiration date of the Period of Performance, the Grantee shall pay all unliquidated obligations and shall report unexpended funds to the Assistance Officer. The Assistance Officer will process the deobligation of unexpended funds.
- C. **Report Submission:** DHS/FEMA  
FEMA Regional Office  

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Attn: Assistance Officer  

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## ARTICLE VIII – PERFORMANCE REPORTS

- A. **Quarterly Reports:** The Grantee shall submit quarterly performance reports that summarize accomplishments to the DHS/FEMA regional office, within 30 days after the end of each Federal quarter following the initial award. Reports are due January 30, April 30, July 30 and October 30.
- B. The final progress report is due to DHS within 90 days after the expiration date of the performance period. The final progress report will consolidate and summarize all prior reports and include technical reports and other products developed under this grant award.
- C. **Report Submission:** DHS/FEMA  
FEMA Regional Office  

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Attn: Assistance Officer  

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## ARTICLE IX – GRANT MANAGEMENT OFFICIALS

Officials for the Grant Agreement are as follows:

- A. **Project Manager:** The Project Manager (PM), designated by the Grantee, is responsible for performance of the activities approved in the award:

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The Project Manager is:      NAME  
   TITLE  
   DEPARTMENT/DIVISION/BRANCH  
   ADDRESS  
   TELEPHONE  
   FAX  
   EMAIL

**B. DHS Project Officer:** The DHS Project Officer (PO) shall be an official who will be responsible for the technical monitoring of the stages of work and technical performance of the activities described in the program narrative statement.

The DHS Project Officer is:    Mr. Dennis Atwood  
   DHS/FEMA  
   Preparedness Division  
   500 C Street, SW, Room  
   Washington, DC 20472  
   202-646-  
   Fax: 202-646-  
   [mmrsadmin@dhs.gov](mailto:mmrsadmin@dhs.gov)

**C. DHS Assistance Officer:** The DHS Assistance Officer (AO) is the DHS official who has full authority to negotiate, administer and execute all business matters of the Grant award.

The DHS Assistance Officer is:    Ms. Sylvia A. Carroll  
   DHS/FEMA  
   Grants Management Branch  
   500 C Street, SW, Room 334  
   Washington, DC 20472  
   202-646-3503  
   Fax: 202-646-4156  
   [Sylvia.Carroll@dhs.gov](mailto:Sylvia.Carroll@dhs.gov)

## ARTICLE X – GRANT AWARD AMENDMENTS

All budget and program plan revisions shall be in compliance with OMB Circular A-102, Grants and Cooperative Agreement to States and Local Governments, or A-110, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and OMB Circular A-21 Cost Principles for Educational Institutions, or A-87, Cost Principles for State and Local Governments, or A-122, Cost Principles for Non-Profit Organizations. In addition to these requirements, the Grantee shall submit and receive written prior approval before implementation for the following:

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### **A. Budget Revisions:**

1. Transfers of funds between direct cost categories in the approved budget when such cumulative transfers among those direct cost categories exceed ten percent of the total budget.
2. Transfer of funds to entities, except those identified in the approved application.
3. Need for additional funds. DHS is not obligated to provide additional funds prior to the submission and approval of consecutive continuation options based on satisfactory performance and availability of funds.

### **B. Extension Request:**

1. The Grantee may exercise the one-time up to 12-month extension, with a written notification, that includes supporting reasons and a revised expiration date, to the Assistance Officer 30 days prior to expiration of the Period of Performance. There will be no need for a DHS written approval for the one-time extension if appropriate notification has been submitted to DHS.
2. Requests for additional time extensions to the Period of Performance will be considered, but will not be granted automatically and must be supported by adequate justification in order to be processed. The justification is a written explanation of the reason or reasons for the delay; an outline of remaining funds available to support the extended period of performance; and a description of performance measures necessary to complete the project.
3. Except for the one-time up to 12-month extension, extensions to the Period of Performance shall be authorized only in writing by the DHS Assistance Officer.
4. There is no DHS obligation to provide additional funding as a result of time extensions approved.
5. Financial and Performance Status Reports must be current, and the extension justification must be submitted or extensions requests will not be processed.

## **ARTICLE XI - PREAWARD COSTS**

Preaward costs may be approved for up to ninety (90) calendar days prior to the effective date of the Cooperative Agreement under the following conditions:

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- A. The costs have been incurred with the understanding that they were incurred at the Grantee's risk and may not be reimbursed, if adequate funding has not awarded to cover preaward costs and approved activities to be completed under the award.
- B. The costs must be necessary for the effective and economical conduct of the project.
- C. The costs are in compliance with the appropriate OMB Cost Principles.
- D. The costs are supported with source documentation.

## ARTICLE XII – OTHER TERMS AND CONDITIONS

The other terms and conditions of the agreement are as follows:

**A. Buy America.** The Grantee, Sub-grantees and contractors receiving funds from this grant shall comply with the Buy American Act (41 U.S.C. 10a et seq.) unless it is determined that it is inconsistent with the public interest, impracticable to comply with such a requirement or that it would unreasonably increase the cost of articles, materials, or supplies. The exception shall be noted in the specifications and documentation to justify the exception will be retained in the grant file for record.

**B. Copyright.** The Grantee is free to copyright original work developed in the course of or under this agreement. DHS reserves a royalty-free , nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work preformed under this award for Government purposes. Publication resulting from work preformed under this agreement shall include an acknowledgement of financial support from DHS and include a statement that the publication does not necessarily reflect the DHS views.

### **C. Publication and Acknowledgement of DHS Sponsorship.**

1. One copy of each article planned for publication will be submitted to the DHS Project Officer simultaneously with its submission for publication. Following publication, a copy of each published paper shall be submitted to the DHS Project Officer.
2. The Grantee agrees that when releasing information relating to this Grant, the release shall include a statement that the project or effort undertaken was or is sponsored by the Department of Homeland Security.



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3. Disclaimer: The Grantee is responsible for assuring that every publication submission (including World Wide Web pages) based on or developed under this award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer: “Any opinions, findings, and conclusion or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of Homeland security.”
4. For the purpose of this requirement, information includes news releases, articles, manuscripts, brochures, advertisements, still and motion pictures, speeches, trade association proceedings and symposia.
5. Publications: In compliance with the Section 623 of Treasury, Postal Service, and General Government Appropriations Act, 1993, and reenacted in Section 621 of the fiscal year 1994 Appropriations Act requires that all grantees disclose the amount and percentage of Federal funding and funding from non-governmental sources when making public announcements about Federally-funded projects in the amount of \$500,000 or more.

**D. Patent Rights.** Grantees are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce, 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts and Cooperative Agreements.”

**E. Environmental Standards.** By accepting funds under this Grant, the grantee assures that will:

1. Comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401, et seq.) and Clean Water Act (33 U.S.C. 1251, et seq.), as implemented by Executive Order 11738 [3 CFR, 1971-1975 comp., p. 799] and Environmental Protection Agency (EPA) rules at 40 CFR Part 15. In accordance with the EPA rules, the Grants further agrees that it will:
  - a. Not use any facility on the EPA’s List of Violating Facilities in performing any award that is nonexempt under 40 CFR 15.5 (awards of less than \$100,000, and certain other awards, exempt from the EPA regulations), as long as the facility remains on the list.
  - b. Notify the awarding agency if it intends to use a facility in performing this award that is on the List of Violating Facilities or the Grantee knows has been recommended to be placed on the List of Violating Facilities.
2. Identify to the awarding agency any impact this award may have on:

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- a. The quality of the human environment, and provide help the agency may need to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321, et seq.) and to prepare Environmental Impact (e.g., physical disturbance of a site such as breaking of ground) until the agency provides written notification of compliance with environmental impact analysis process.
- b. Coastal barriers and provide help the agency may need to comply with Coastal Barriers Resource Act (16 U.S.C. 3501, et seq.), concerning preservation of barrier resources.
- c. Any existing or proposed component of the National Wild and Scenic Rivers system, and provide help the agency may need to comply with the Wild and Scenic River Act of 1968 (16 U.S.C. 1271, et seq.).

**F. Refunds.** The Grantee shall transfer to DHS the appropriate share, based on the Federal support percentage, of any refund, rebate, credit or other amounts arising from performance of this agreement, along with accrued interest. The Grantee shall take necessary action to effect prompt collection of all monies due or which may become due and to cooperate with DHS in any claim or suit in connection with amounts due.

### **G. Overpayment and Earned Interest.**

Overpayment. Within ninety (90) days from the expiration date of the Performance Period, overpayment of funds shall be remitted to the Assistance Officer by check payable to DHS. An overpayment represents the difference between allowable actual expenditures and total DHS payment received by the Grantee.

**H. Program Income.** Program income is income earned as a result of Grantee or sub-grantee grant-supported activity, or earned as a result of the grant agreement during the Period of Performance. Program income shall be added to the award of funds under this grant and shall be used to expand the approved program activities. The Grantee shall submit a written list of expanded activities to be accomplished as a result of the program Income funds. This list shall be submitted to the DHS AO for review and the approval within 20 days of receipt of program income.

**I. Security.** The Grantee shall not be granted access to classified information under this Grant. If security restriction should happen to apply to certain aspects of the proposed activity, the Grantee will be informed. In the event that the scientific work under this Grant may either need classification or involve access to or storage of any classified data, the Government shall make a decision on the need to classify, or require such access or storage within 30 days after receipt of a written notice from the Grantee. If the decision is affirmative, the Government may invoke the Termination clause, as appropriate.

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- J. Controlled Unclassified Information.** The parties understand that information and materials provided pursuant to or resulting from this Grant may be export controlled, sensitive, for official use only, or, otherwise protected by law, executive order or regulation. The Grantee is responsible for compliance with all applicable laws and regulations. Nothing in this Grant shall be construed to permit any disclosure in violation of those restrictions.
- K. Travel.** Allowability of Travel Expenses. Expenses for transportation, lodging, subsistence and related items incurred by project personnel and by outside consultants employed on the project (GPM) Section 614 who are in travel status on business related to an DHS-supported project are allowable as prescribed in the governing cost principles. The requirements for prior approval contained in the governing cost principles are waived.
- L. Cargo Preference.** The grantee agrees that it will comply with the Cargo Preference Act of 1954 (46 U.S.C. 1241), as implemented by Department of Transportation regulations at 46 CFR 381.7, which require that at least 50 of equipment, materials or Grant, and which may be transported by ocean vessel, shall be transported on privately owned U.S.-flag commercial vessels, if available.
- M. Fly America Act.** Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds under this Grant shall use U.S.-flag air carriers (air carriers holding certificates under 49 U.S.C. 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.
- N. Site Visits.** DHS, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by DHS on the premises of the grantee or a contractor under an award, the grantee shall provide and shall require its contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly delay the work.

## ARTICLE XIII – AUDIT REQUIREMENTS

Grantees and Sub-grantees must follow the audit requirements under OMB Circular A-133. Non-Federal entities that expend \$500,000 or more Federal funds in a year shall

have a single or program-specific audit conducted for that year in accordance with the provisions of A-133.

#### **ARTICLE XIV – GOVERNING PROVISIONS**

The Grantee and any subgrantee shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

##### **A. Administrative Requirements**

1. OMB Circular A-102, State and Local Governments (10/07/94, amended 08/29/97)
2. OMB Circular A-110, Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (11/19/93, amended 09/30/99), and
3. 44 CFR Part 13

##### **B. Cost Principles**

1. OMB Circular A-87, State and Local Governments (05/04/95, amended 08/29/97)
2. OMB Circular A-21, Educational Institutions (08/08/00)
3. OMB Circular A-122, Non Profit Organizations (05/19/98)

##### **C. Audit Requirements.**

OMB Circular A-133, States, Local Governments, and Non-Profit Organizations (06/24/97, includes revisions published in the *Federal Register* 06/27/03)

Grant award application received and approved by DHS on \_\_\_\_\_,  
with revisions received on NA.